

FILED

APR 11 1985

Jack C. Silver, Clerk
U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

IN THE MATTER OF RULES OF COURT) Misc. No. *M-128*

DISTRICT COURT RULES FOR
BANKRUPTCY PRACTICE AND PROCEDURE

It is ordered that the following District Court Rules for
Bankruptcy Practice and Procedure be, and are hereby, adopted.

RULE B-1

THE BANKRUPTCY COURT

The serving Bankruptcy Judges of this District constitute
and shall be known as "The United States Bankruptcy Court for the
Northern District of Oklahoma."

RULE B-2

SCOPE OF RULES

These Local District Court Rules govern practice and
procedure in this District of all cases under Title 11, United
States Code and of all civil proceedings arising under, in, or
related to Title 11. They implement and complement Title 11,
United States Code, the Bankruptcy Amendments and Federal
Judgeship Act of 1984, the Bankruptcy Rules promulgated under 28
U.S.C. § 2075 and other Local Rules of this Court.

RULE B-3

FILING OF PAPERS

(a) Bankruptcy Rules 5005, 7001, 7003 and 9027 apply and
all petitions, proofs of claim or interest, complaints, motions,
applications and other papers referred to in those rules shall be

captioned "In the United States Bankruptcy Court for the Northern District of Oklahoma" and filed with the Clerk of the Bankruptcy Court.

(b) The filing requirements provided by subsection (a) of this Rule include -- but are not limited to -- cases and proceedings within the purview of 28 U.S.C. § 1334(c)(2) and 28 U.S.C. §157(b)(5).

RULE B-4

MAINTENANCE OF CASE AND CIVIL PROCEEDINGS FILES; ENTRY OF JUDGMENTS

The Clerk of the Bankruptcy Court shall maintain a complete file in each Title 11 case and in each proceeding arising in, under, or related to Title 11. A certified copy is sufficient for a judgment, order, decision, ruling, memorandum or other judicial writing of a District Judge in a proceeding separately docketed in the District Court. The entry of a judgment by a District Judge or a Bankruptcy Judge, as the case may be, shall be in accordance with Bankruptcy Rule 9021.

RULE B-5

CLARIFICATION OF GENERAL REFERENCE TO BANKRUPTCY JUDGES

(a) The Order of this Court ["In the Matter of Rules of Court, Misc. No. 128: Order of Referral of Bankruptcy Cases"] became effective as of July 10, 1984. Under that Order all Title 11 U.S.C. cases and proceedings in, under or related to Title 11 continue to be referred to the Bankruptcy Judges of this District.

(b) That reference includes, without limitation --

(1) Personal injury tort and wrongful death claims or causes of action within the purview of Title 28 U.S.C. § 157(b)(5);

(2) State law claims or causes of action of the kind referred to at Title 28 U.S.C. § 1334(c)(2); and

(3) Involuntary cases under Title 11 U.S.C. § 303.

RULE B-6

TRANSFER OF PARTICULAR PROCEEDINGS FOR HEARING AND
TRIAL BY A DISTRICT JUDGE

A particular proceeding commenced in or removed to the Bankruptcy Court shall be transferred to the District Court for hearing and trial by a District Judge only in accordance with the procedure below.

(1) A party seeking such transfer shall file a motion therefor in the Bankruptcy Court certifying one or more of the following grounds:

(A) It is in the interest of justice, in the interest of comity with State Courts or respect for State law that this District Court should abstain from hearing the particular proceeding as is contemplated by 28 U.S.C. § 1334(c)(1).

(B) The particular proceeding is based upon a State law claim or State law cause of action with respect to which an action could not have been commenced in a court of the United States absent jurisdiction under 28 U.S.C. § 1334; that an action on the claim or cause of action is commenced and can be timely adjudicated in a State forum; and that under 28 U.S.C. § 1334(c)(2) this District Court must abstain from hearing the particular proceeding.

(C) The particular proceeding is a personal injury tort or a wrongful death claim within the purview of Title 28 U.S.C. § 157(b)(5).

(D) Resolution of the particular proceeding requires consideration of both Title 11 U.S.C. and other laws of the United States regulating organizations or activities affecting interstate commerce and thus must be withdrawn to this District Court under 28 U.S.C. § 157(d).

(E) The proceeding is under 11 U.S.C. § 303 and a jury trial is demanded.

(F) Cause exists, within the contemplation of 28 U.S.C. § 157(d), for the withdrawal of the particular proceeding to this District Court (a specification of such alleged cause must be stated).

(2) If movant is an original plaintiff, the motion shall be filed within twenty (20) days after the proceeding is commenced.

(3) If movant is an original defendant, intervenor, or an added party, the motion shall be filed within twenty (20) days after movant has entered appearance or been served with summons or notice.

(4) In a proceeding that has been removed under 28 U.S.C. § 1452 the removing party shall file the motion within twenty (20) days after the removal; other parties shall file within twenty (20) days after being served with summons or notice.

(5) In a proceeding of the kind designated in (1)(c) above, a recommendation to the District Court may be filed by a Bankruptcy Judge sua sponte at any time.

(6) The motion for transfer, together with a written recommendation of a Bankruptcy Judge, shall be transmitted by the Clerk of the Bankruptcy Court to the Clerk of the District Court. The latter shall assign the motion to a District Judge who shall

rule ex parte or upon such notice as the District Judge shall direct. The ruling shall be filed in the Bankruptcy Court as an order of the District Judge.

(7) In instances where such ruling is not dispositive of the particular proceeding transferred, the proceeding shall go forward to hearing, trial and judgment as the District Judge's order shall direct.

(8) A proceeding retained for hearing and determination by a District Judge shall be carried on the civil docket of the Clerk of the District Court. Certified copies of all final orders and judgments entered by the District Judge shall be transmitted by the Clerk of the District Court and filed with the Clerk of the Bankruptcy Court.

RULE B-7

DETERMINATION OF PROCEEDINGS AS "NON-CORE"

Subject to Rule B-6 next above a particular proceeding shall be "non-core" under 28 U.S.C. § 157(b) only if a Bankruptcy Judge so determines sua sponte or rules on a motion of a party filed under 28 U.S.C. § 157(b)(3) within the time periods fixed by Rule B-106(2), (3) and (4) supra. A determination that a related proceeding is non-core shall be in accordance with the guidelines of 28 U.S.C. § 157(b) (1984) and on the general premise that core proceedings are matters arising in and under the title 11 case that are integral and incident to the chapter relief requested.

RULE B-8

REVIEW OF NON-CORE PROCEEDINGS HEARD
BY BANKRUPTCY JUDGE

(a) Recommended findings of fact, conclusions of law and proposed judgment and order prepared by a Bankruptcy Judge in a "non-core" proceeding pursuant to 28 U.S.C. § 157(c)(1) shall be mailed to all parties in interest by the Bankruptcy Clerk and concurrently transmitted to the District Court Clerk for assignment to a District Judge.

(b) The parties shall have ten (10) days after the date of mailing the recommendations to file written objections thereto. Objections lacking specificity as to allegedly erroneous factual findings or legal conclusions may be summarily overruled.

(c) If no objection is timely filed, or if the parties consent in writing, the recommendations of the Bankruptcy Judge may be accepted by the District Judge and appropriate orders may be entered without further notice. Procedure for determining objections shall be as set forth in 28 U.S.C. § 157(c)(1).

(d) If the objection is timely filed, the objectant shall, concurrently, mail a copy to opposing counsel and the Clerk of the Bankruptcy Court together with objectant's designation of those items to be included in the record on review. Additional designations may be so filed and served by opposing counsel within seven (7) days.

(e) Thereupon, the Bankruptcy Court Clerk shall cause all designated portions of the record to be transmitted to the District Court Clerk for a de novo review by the District Judge.

RULE B-9

POST-JUDGMENT MOTIONS

(a) In both "core" and "non-core" proceedings heard and determined by a Bankruptcy Judge, motions under Bankruptcy Rules 9023 and 9024 shall be filed in, and addressed to, the Bankruptcy Court.

(b) In proceedings heard and determined by a District Judge, motions under Bankruptcy Rules 9023 and 9024 shall be filed in, and addressed to, the District Court.

RULE B-10

APPEALS

(a) An appeal from a final or interlocutory order of a Bankruptcy Judge in a core or a non-core proceeding under 28 U.S.C. § 157(c)(2) shall be taken to the District Court. Such appeals are governed by 28 U.S.C. § 158(a) and the procedure shall be according to Part VIII of the Bankruptcy Rules with the following modifications:

(1) Notice of Appeal, Filing and Service. The filing of the notice of appeal and other papers with the Bankruptcy Judge as required by Rules 8001, 8002, 8006 and 8008 of the Bankruptcy Rules shall be made by filing them with the Clerk of the Bankruptcy Court, except that the Bankruptcy Judge may permit the papers to be filed with him, in which event he shall note thereon the filing date and forthwith transmit them to the office of the Clerk of the Bankruptcy Court. In lieu of the provision in Bankruptcy Rule 8004 for service of a notice of the filing of a notice of appeal, it shall be the duty of the appellant to serve a copy of the notice of appeal, with a notation of the time of the filing thereof upon all other parties to the appeal at their addresses of record and to file a certificate of such service.

(2) Application for Leave to Appeal Interlocutory Order. Leave to appeal interlocutory orders and the decrees of Bankruptcy Judges shall be sought by filing an application for leave with the Clerk of the Court to which the appeal is addressed within the time provided by Bankruptcy Rule 8002 for filing a notice of appeal, with proof of service by the applicant in accordance with Bankruptcy Rule 8004. A notice of appeal need not be filed. The application shall contain a statement of the facts necessary to an understanding of the questions to be presented by the appeal; a statement of those issues and of the relief sought; a statement of the reasons why in the opinion of the applicant leave to appeal should be granted; and a copy of the interlocutory order, decree, or judgment complained of and of any opinion or memorandum relating thereto. Within ten (10) days after service of the application, an adverse party may file an answer in opposition. The application and answer shall be submitted without oral argument unless otherwise ordered.

(3) Leave to Appeal Granted; Filing of Record. If leave to appeal is granted, the record shall be designated and transmitted and the appeal docketed in accordance with Bankruptcy Rules 8006 and 8007 and this rule. The time fixed by those Bankruptcy Rules for designating and transmitting the record and docketing the appeal shall run from the date of the order granting leave to appeal. A notice of appeal need not be filed.

(4) Appeal Improperly Taken Regarded as an Application for Leave to Appeal. If a timely notice of appeal is filed where the proper mode of proceeding is by an application for leave to appeal under this rule, the notice of appeal shall be deemed a timely and proper application for leave to appeal. The District Court may enter an order either granting or denying leave to appeal or directing that an application for leave to appeal be filed. Unless the District Court fixes another time in its order directing that an application for leave to appeal be filed, the application shall be filed within ten (10) days of entry of the District Court's order.

(5) Preparation and Transmission of Record. The record shall be designated and prepared in accordance with Bankruptcy Rule 8006 but the record transmitted by the Bankruptcy Clerk shall be copies of the pleadings and papers designated and the record shall be transmitted forthwith upon the filing of the transcript. If no transcript is designated, the record shall be transmitted forthwith. Notice of the transmission of the record to the Clerk of the District Court shall be given to all parties to the appeal.

(6) Filing and Service of Briefs.

(A) Appellant Brief. The appellant shall serve and file his brief within fifteen (15) days after the transmission of the record to the Clerk of the District Court.

(B) Appellee Brief. The appellee shall serve and file his brief within fifteen (15) days after service of the brief of the appellant.

(C) Reply Brief. The appellant may serve and file a reply brief within ten (10) days after service of the brief of the appellee.

(7) Oral Argument Excused. Oral argument as required by Bankruptcy Rule 8012 is excused for all appeals in this District unless the District Judge to whom the appeal is assigned shall otherwise order.

(8) Motion for Rehearing Eliminated. Bankruptcy Rule 8015 shall not be applicable in this District unless the District Judge shall grant leave to file a motion for rehearing in the order entered on the appeal.

(b) An appeal from a final judgment, order or decree of a District Court entered on an appeal or review from the Bankruptcy Court or in a proceeding heard and determined by the District Judge in the first instance shall be taken to the Court of Appeals and governed by the Federal Rules of Appellate Procedure.

RULE B-11

COURT FEES AND REGISTRY FUNDS

(a) The Bankruptcy Clerk is hereby designated as the accountable officer in this judicial district for all monies paid into court in petitions and proceedings pending before or adjudicated by a Bankruptcy Judge in this district. The Bankruptcy Clerk shall receive all such monies for the District Court, shall deposit them in the name and to the credit of the District Court in accordance with 28 U.S.C. § 2041, and shall withdraw them only in accordance with 28 U.S.C. § 2042.

(b) The Bankruptcy Clerk shall collect all fees and costs in petitions and proceedings referred to a Bankruptcy Judge and shall be accountable for them. The Bankruptcy Clerk shall make returns of all fees, costs and other monies collected by him in accordance with procedures prescribed by the Director of the Administrative Office of the United States Courts.

(c) All financial procedures prescribed by the Administrative Office of the United States Courts shall be strictly followed by the Clerk of the Bankruptcy Court and the Clerk of the District Court.

RULE B-13

SUPPLEMENTAL BANKRUPTCY COURT LOCAL RULES

The Bankruptcy Court may adopt supplemental Local Rules not inconsistent with these District Court Rules, the Bankruptcy Rules, or Title 11 or Title 28 of the United States Code.

RULE B-14

JURY TRIALS

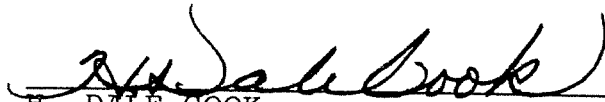
The Bankruptcy Judges shall conduct jury trials in all core proceedings in which a party is entitled to trial by jury and a jury is timely demanded and in all non-core proceedings in which a party is entitled to trial by jury and a jury is timely demanded, in which all parties so consent in writing, which consent must be filed at or prior to the first scheduled pretrial in such proceedings, except as otherwise prohibited by the Bankruptcy Amendments and Federal Judgeship Act of 1984, or otherwise ordered by a District Judge.

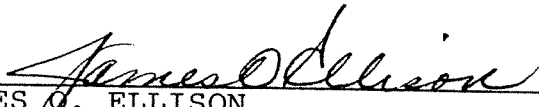
RULE B-15

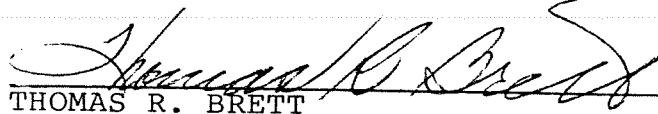
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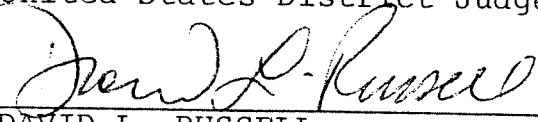
These rules shall become effective immediately upon adoption.

DATED this 11th day of April, 1985.


H. DALE COOK
Chief Judge, U. S. District Court


JAMES O. ELLISON
United States District Judge


THOMAS R. BRETT
United States District Judge


DAVID L. RUSSELL
United States District Judge